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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,355	03/30/2004	Hongyu Yue	071469-0307699	4102
909	7590	01/12/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP				CHEN, KIN CHAN
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		ART UNIT		PAPER NUMBER
		1765		

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/812,355	YUE, HONGYU
	Examiner	Art Unit
	Kin-Chan Chen	1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
  - 4a) Of the above claim(s) 14 and 15 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 033004:062404
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Updating the status of pending U.S. Applications on page 1 of the specification is required. Appropriate correction is required.

### ***Claims***

2. When claims are presented, they must be numbered consecutively.

Misnumbered claims 7 (duplicate) - 14 have been renumbered 8-15. The following Office action is based on the new claim numbers.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-13, drawn to a method, classified in class 438, subclass 706.
  - II. Claims 14 and 15, drawn to an apparatus, classified in class 156, subclass 345.
4. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as plasma deposition or vapor deposition.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jeffery Karceski on January 9, 2006 a provisional election was made with traverse to prosecute the invention of group I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14 and 15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of

this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tomoyasu et al. (US 2004/0185583; hereinafter "Tomoyasu").

In a method for chemical oxide removal, Tomoyasu (abstract; ([0007], [0059],[0074], [0200]; Fig. 2) teaches that a chemical oxide removal process may be performed using a process recipe including a first reactant , a second reactant, and a process pressure in order to acquire trim amount data as a function of a variable parameter. Tomoyasu [0007, lines 4-5] teaches adjusting one or more chemical processing parameters, therefore, it reads on applicant's " maintaining at least one constant parameter constant". Tomoyasu teaches the claimed variable parameters. Tomoyasu ([0007], [0074]) teaches that the etch rate model (which is a function of variable parameters) can be used along with a processing time to computer an etch depth (so-called target trim amount in the instant claims) which is considered to read on applicant's " using the target trim amount and the relationship to determine a target value for the variable parameter". Tomoyasu teaches changing process pressure and chemical treatment gas flow rates (e.g., gas flow rates of HF, NH<sub>3</sub>, or inert gas), which are proportional to partial pressure (or a mole fraction) of each reactant, therefore, it is considered to read on instant claims 2 and 3. Tomoyasu also teaches thermally treating the substrate and rinsing the substrate following the chemical treating.

As to dependent claim 10, see [0062].

As to dependent claims 11 and 12, see [0041] and [0074].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natzle et al. (US 2004/0097047; hereinafter "Natzle").

In a method for chemical oxide removal, Natzle ([0014], [0037],[0038], [0042]-[0044]) teaches that a chemical oxide removal process may be performed using a process recipe including a first reactant , a second reactant, and a process pressure.. Natzle [0042] teaches acquiring trim amount data as a function of variable parameters (such as temperature, composition, residence time pressure of the reactant, the amount of reactant or the rate of reactant), **all of which can be regulated**, which is considered to read on applicant's " maintaining at least one constant parameter constant". Natzle [0042] also discloses that the aforementioned variable parameters influence the amount removed. Therefore, it would have been obvious to one with ordinary skill in the art to use the target trim amount and the relationship to determine a target value for the variable parameter". Natzle teaches changing pressure of reactant and flow rates (e.g., gas flow rates of HF or NH<sub>3</sub>), which are proportional to partial pressure (or a mole

fraction) of each reactant according to the basic physics principles, therefore, it is considered to read on instant claims 2 and 3.

As to dependent claim 10, see [0014].

As to dependent claims 11 and 12, after gathering information of etching rates, thickness, process parameters), it would have been obvious to one with ordinary skill in the art to tabulate / extrapolate / manipulate data and perform calculation using common statistical methods (such as regression, extrapolation, best-fit, the harmonic of signal using multivariate analysis, polynomial, least squares, interpolation) and numerical analysis.

Claims 7 and 8 differ from Natzle by specifying well-known features (such as adding inert gas to the etchant) to the art of semiconductor device fabrication, the examiner takes official notice. It is the examiner's position that a person having ordinary skill in the art at the time of the claimed invention would have found it obvious to incorporate inert gas to same in order to provide their art recognized advantages and produce an expected result with a reasonable expectation of success.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natzle as applied to claim 1 above, and further in view of Doris et al. (US 2004/0241981; hereinafter "Doris").

The discussion of modified Natzle from above is repeated here.

Natzle is silent about the heating and rinsing with water after the chemical treating. In a method for chemical oxide removing, Doris teaches heating and rinsing

with water after the chemical treating so as to efficiently remove the solid reaction product, see [0046]. Hence, it would have been obvious to one with ordinary skill in the art to modify Natzle by heating and rinsing with water as taught by Doris in order to efficiently remove the solid reaction product.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (571) 272-1461. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 10, 2006



Kin-Chan Chen  
Primary Examiner  
Art Unit 1765

K-C C